

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Conditional Application of PACIFIC GAS AND ELECTRIC COMPANY (U 39 E) for a Certificate of Public Convenience and Necessity Authorizing the Construction of the Los Banos-Gates 500 kV Transmission Project.

Application 01-04-012

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING TIME TO  
REPLY TO MOTION TO WITHDRAW AND AFFIRMING THE EXISTING  
SCHEDULE FOR ORA AND INTERVENOR TESTIMONY**

On November 6, 2001, Pacific Gas and Electric Company (PG&E) filed a "Notice of Withdrawal" of the instant application. The Commission's Docket Office has accepted the filing as a "Motion to Withdraw." Parties may file replies to the motion to withdraw on or before November 13, 2001. After reviewing the replies, we will decide whether to move forward with the evidentiary hearings scheduled to commence on November 26, 2001.

PG&E's motion argues that the application should be withdrawn because of the Memorandum of Understanding (MOU) signed by several entities (both public and private) to develop an alternative project to the one described in the instant application. PG&E believes that duplicative proceedings will result in increased ratepayer costs.

Testimony from the Office of Ratepayer Advocates (ORA) and other intervenors is due on November 8, 2001. Because PG&E's motion was not filed until immediately prior to the testimony deadline, parties have already invested

time and resources to prepare their testimony. In addition, although I am certain that the MOU signatories are working in good faith to develop and establish operational agreements in order to implement the terms of the MOU, I believe it is prudent at this point, to move forward with PG&E's application as scheduled in the event that such agreements are unable to be reached. Therefore, while the motion is pending, the proceeding should continue as previously scheduled and parties should serve their prepared testimony.

**IT IS RULED** that:

1. Parties may file replies to Pacific Gas & Electric Company's Motion to Withdraw on or before November 13, 2001.
2. Office of Ratepayer Advocates and intervenor testimony shall be served on November 8, 2001 as previously scheduled.

Dated November 7, 2001, at San Francisco, California.

/s/ MICHELLE COOKE  
Michelle Cooke  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Time to Reply to Motion to Withdraw and Affirming the Existing Schedule for Ora and Intervenor Testimony on all parties of record in this proceeding or their attorneys of record.

Dated November 7, 2001, at San Francisco, California.

/s/ JACQUELINE GORZUCH  
Jacqueline Gorzoch

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

